

FIREARMS RESTRICTIONS

NOTIFICATION

PROHIBITION ON THE POSSESSION OF FIREARMS

Current Kansas and Federal laws make the receipt; possession and/or transportation of a firearm by a person convicted of a felony a separate crime punishable in Kansas and/or Federal court as a felony.

Kansas law, K.S.A. 21-420(a)(1) makes it unlawful for a person who is both addicted to and an unlawful user of a controlled substance to possess any firearm.

Kansas law, K.S.A. 21-4209(a)(2) makes it unlawful for life for a person to possess any firearm if that person has: 1) been convicted of a person felony or violation of any provision of the uniform controlled substances act under the laws of Kansas or any other jurisdiction; and 2) was found to have been in possession of a firearm at the time of the commission of the offense.

Kansas law, K.S.A. 21-4204(a)(3) makes it unlawful for a person to possess any firearm within five (5) years of conviction or release from imprisonment if that person has: 1) been convicted of a felony; and 2) was found not to have been in possession of a firearm at the time of the commission of the offense.

Kansas law, K.S.A. 21-4204(a)(4) makes it unlawful for a person to possess any firearm within ten (10) years of conviction or release from imprisonment if that person has: 1) been convicted of one of the below listed felonies (K.S.A. and brief offense description are provided); and 2) was not found to have been in the possession of a firearm at the time of the commission of the offense.

21-3401 Murder in first degree

21-3402 Murder in second degree (intentional or reckless)

21-3403 Voluntary manslaughter

21-3404 Involuntary manslaughter

21-3410 Aggravated assault

21-3411 Aggravated assault on a law enforcement officer

21-3414 Aggravated battery

21-3415 Aggravated battery on law enforcement officer

21-3419 Criminal Threat

21-3420 Kidnapping

21-3421 Aggravated kidnapping

21-3427 Aggravated robbery

21-3502 Rape

21-3506 Aggravated criminal sodomy

21-3518 Aggravated sexual battery

21-3716 Aggravated burglary

65-4127a, 65-4127b, or K.S.A. 2000 Supp. 21-3442 or 65-4160 through 65-4164 (various drug possession or sale offenses)

This section also creates a ten (10) year ban for a person convicted of a non-person felony or juvenile adjudication if there was a finding of possession of a firearm during that offense. These laws also apply to adjudicated juvenile if the commission of an act, which, if done by an adult, would constitute the commission of a felony. These laws further apply to a conviction of another jurisdiction which is substantially the same as a Kansas felony.

A person does not violate Kansas law if the record of conviction has been expunged or the person received a pardon for such crime.

Keep in mind that a five (5) or ten (10) year period runs from the date of conviction or release from imprisonment, whichever is later. If you are imprisoned on a parole or probation violation, the five (5) or ten (10) year period will be from the date of release on that imprisonment.

Federal law, 18 U.S.C. 922(g) makes it unlawful for a person convicted in any court of a crime punishable by imprisonment for a term exceeding one (1) year (a felony), to ship transport, receive or possess any firearm or ammunition. This law also applies to a fugitive, unlawful user of drugs, adjudicated mental defective, alien illegally in the United States, dishonorably discharged veteran of the Armed Forces and person who has renounced his/her U.S. citizenship. Violation of this law is punishable by imprisonment or a term of ten (10) years and/or a \$5,000.00 fine.

As a felon, you do not have the right to hunt with a firearm and you do not have the right to own, possess or carry a firearm. You are being advised of this law for your own protection. Should you violate this law, you will bear full responsibility.

Possession is broader than just ownership. You could violate the law by possession of a firearm that you do not own if it is in your residence, vehicle, boat, etc., and you have access to or control of the firearm.

Once the appropriate five (5) or ten (10) years period had elapsed or you are pardoned or your record expunged, you are no longer in violation of Kansas's law for possessing a firearm. At this point, you are also no longer in violation of Federal law for possession of a firearm provided you do not have felony convictions from other states or from a Federal court. It is advisable to check with an attorney in the event the law has changed since you completed this form.

It is possible in some instances to gain relief from disabilities from Federal law. Relief from disabilities can only be given by the Secretary of the Treasury, after filing the necessary forms and having an investigation into your background done by a Federal agent.

These forms can be obtained by writing:
Bureau of Alcohol, Tobacco and Firearms
650 Massachusetts Avenue, N.W.
Washington, D.C. 20226

It is advisable to complete the five (5) or ten (10) year waiting period as required by Kansas's law. Federal relief is not normally granted to persons on probation or parole. Federal relief does not grant relief under Kansas's law.